

Nov 13, 2019

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NICOLE MARIE B.,

Plaintiff,

v.

ANDREW M. SAUL,
Commissioner of Social Security,

Defendant.

No. 1:19-CV-03066-RHW

**ORDER GRANTING PARTIES'
STIPULATED MOTION FOR
REMAND**

Before the Court is the parties' Stipulated Motion for Remand. **ECF No. 15.** The Commissioner of Social Security denied Plaintiff's application for Disability Insurance Benefits under Title II of the Social Security Act, 42 U.S.C. § 401-434, and her application for Supplemental Security Income under Title XVI of the Act, 42 U.S.C. §1381-1383F. *See* AR 1-6, 19-37. Plaintiff brought this action seeking judicial review of the Commissioner's final decision. ECF No. 1. The parties now jointly move the Court to reverse and remand for further administrative proceedings, including a de novo review and a new decision. ECF No. 15. Based

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1 on the agreement of the parties and the record, the Court finds good cause to grant
2 their motion.

3 The Commissioner's decision to deny Plaintiff's applications for Social
4 Security benefits is **REVERSED** and **REMANDED** for further proceedings
5 pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Appeals Council
6 will instruct the Administrative Law Judge (ALJ) to:

- 7 • offer Plaintiff the opportunity to submit additional evidence and arguments;
- 8 • further evaluate the opinion evidence (and in particular, reconsider the
9 opinions of Drs. Ford and Cline);
- 10 • reconsider Plaintiff's residual functional capacity;
- 11 • seek supplemental vocational expert evidence on whether Plaintiff can
12 perform work with the limitations in the RFC; and
- 13 • give Plaintiff an opportunity for a new hearing.

14 *See* ECF No. 15 at 2. Moreover, the parties agree that reasonable attorney fees will
15 be awarded under the Equal Access to Justice Act, 28 U.S.C. § 2412, upon proper
16 request to the Court. *Id.*

17 Accordingly, **IT IS HEREBY ORDERED:**

- 18 1. The parties' Stipulated Motion for Remand, **ECF No. 15**, is **GRANTED**.
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1 2. The Commissioner's decision is **REVERSED** and this matter is
2 **REMANDED** for further administrative proceedings consistent with this
3 order.

4 3. Plaintiff's Motion for Summary Judgment, **ECF No. 11**, is now **MOOT**.

5 4. The District Court Executive shall enter judgment for the Plaintiff and
6 against Defendant.

7 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
8 Order, forward copies to counsel, and **close the file**.

9 **DATED** this 13th day of November, 2019.

10 *s/Robert H. Whaley*
11 ROBERT H. WHALEY
 Senior United States District Judge